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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,234	01/30/2004	Frank A. Hunleth	0320-002	8670
42015 7590 08/07/2009 POTOMAC PATENT GROUP PLLC P. O. BOX 270 FREDERICKSBURG, VA 22404				
EXAMINER				
NGUYEN, LE V				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
08/07/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

Office Action Summary**Application No.**

10/768,234

Applicant(s)

HUNLETH ET AL.

Examiner

LE NGUYEN

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19, 23-28, 32-37 and 41-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19, 23-28, 32-37 and 41-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date 5/3/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 4/15/09, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 15-19, 23-28, 32-37 and 41-56 are pending in this application; and, claims 15, 24 and 33 are independent claims. Claims 1-14, 20-22, 29-31 and 38-40 have been cancelled. Since the case is reopened, the examiner has addressed all arguments of the appeal brief in the "Response to Arguments" section included below. Moreover, this action is made non-final and replaces the previous non-final action due to the amendment of 7/14/08.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 15-19, 23-28, 32-37, 41-43, 46, 47, 48, 51-53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily et al. ("Daily", US 2004/0123320), in view of Chi et al. ("Chi", US 7,028,053 B2).

As per claim 15, Daily teaches a method for interfacing with a plurality of images comprising displaying the plurality of images aligned relative to one another in rows and columns at a first semantic level of a UI, i.e. example of semantic zooming, wherein certain GUI elements are revealed that were not previously visible at the previous zoom level (figs. 1 and 8; par [0039]), moving a cursor over one of the plurality of images and enlarging the one of the plurality of images in response to the cursor movement (par [0054]). Daily further teaches a method for interfacing with a plurality of images comprising clicking on the one of the plurality of images and launching a media item represented by the one of the plurality of images (par [0059]) and providing additional information associated with the one of the plurality of images after enlarging the one of the plurality of images (par [0037]; after enlarging the one of the plurality of images via zoom feature, users can see additional information such as expanded channel or program information at higher levels of detail) wherein said each of the plurality of images represent a selectable media item (par [0059]). Daily further teaches the one of the plurality of images overlapping at least one image and that one of a plurality of

images while non-displaying the remaining of said plurality of images (par [0037]; fully overlapping).

Daily does not explicitly disclose displaying one of a plurality of images together with additional information associated therewith. Chi teaches displaying one of a plurality of images together with additional information associated with said one of said plurality of images (col. 12, lines 18-20). It would have been obvious to an artisan at the time of the invention to incorporate the method of Chi with the method of Daily in order to provide users with a summary of the displayed image, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

As per claim 16, the modified Daily teaches a method for interfacing with a plurality of images wherein when the cursor is not positioned over any one of the images, none of the plurality of images overlaps any other of the plurality of images (Daily: e.g., figs. 1 and 8).

As per claim 17, the modified Daily teaches a method for interfacing with a plurality of images, wherein the one of the plurality of images, when enlarged, overlaps each image adjacent thereto (Daily: par [0037]; fully overlapping).

As per claim 18, the modified Daily teaches a method for interfacing with a plurality of images wherein the plurality of images are static (Daily: par [0051]; dynamic media downloaded in real-time from a database or static media stored in a form such as a computer readable media).

As per claim 19, although the modified Daily teaches a method for interfacing with a plurality of images comprising a plurality of images representing a movie or video

clip (Daily: paragraph [0059]), the modified Daily does not explicitly disclose images representing movie cover art. Official Notice is taken that images representing movie cover art is well known in the art. In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007), it would have been obvious to an artisan at the time of the invention to incorporate images representing movie cover art with the method of the modified Daily given that they provide product branding and are more user recognizable than images representing an obscure scene.

As per claim 23, the modified Daily teaches a method for interfacing with a plurality of images wherein the enlarging of the one of the plurality of images indicates that the one of the plurality of images currently has a focus of an interface and that the media item represented by the one of the plurality of images can be selected (Brown: fig. 5; paragraph [0047]; Daily: paragraphs [0054] and [0059]).

Claims 24 and 33 are individually similar in scope to claim 15 and are therefore rejected under similar rationale.

Claims 25 and 34 are individually similar in scope to claim 16 and are therefore rejected under similar rationale.

Claims 26 and 35 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

Claims 27 and 36 are individually similar in scope to claim 18 and are therefore rejected under similar rationale.

Claims 28 and 37 are individually similar in scope to claim 19 and are therefore rejected under similar rationale.

Claims 32 and 41 are individually similar in scope to claim 23 and are therefore rejected under similar rationale.

As per claim 42, the modified Daily teaches a method for interfacing with a plurality of images comprises displaying said one of said plurality of images at a second semantic level of said user interface including, as said additional information, information associated with said media item represented by said one of said plurality of images (Daily: paragraphs [0049]; paragraphs [0039], [0054] and [0055]).

As per claim 43, the modified Daily teaches a method for interfacing with a plurality of images comprising: providing a transition effect between said display of said one of said plurality of images at said first semantic level of said user interface and said display of said one of said plurality of images at said second semantic level of said user interface (Daily: paragraphs [0049]; paragraphs [0039], [0054] and [0055]; via repeated zooming).

As per claim 46, the modified Daily teaches a method for interfacing with a plurality of images comprises displaying said additional information at said first semantic level of said user interface (Daily: paragraph [0037]).

Claims 47 and 52 are individually similar in scope to claim 42 and are therefore rejected under similar rationale.

Claims 48 and 53 are individually similar in scope to claim 43 and are therefore rejected under similar rationale.

Claims 51 and 56 are individually similar in scope to claim 46 and are therefore rejected under similar rationale.

5. Claims 44, 45, 49, 50, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily et al. ("Daily", US 2004/0123320), in view of Chi et al. ("Chi", US 7,028,053 B2) as applied to claims 43, 48 and 53, and further in view of Johnston, Jr. et al. ("Johnston", US 5,561,444).

As per claim 44, although the modified Daily teaches a method for interfacing with a plurality of images wherein said step of providing a transition effect further comprises transitioning from said first semantic level at which said one of said plurality of images is displayed to said second semantic level by changing a size of said one of said plurality of images (Daily: paragraphs [0049]; paragraphs [0039], [0054] and [0055]), the modified Daily does not explicitly disclose simultaneously changing a size of said one of said plurality of images and translating said one of said plurality of images from a first location on a display to a second location, different from said first location, on said display. Johnston teaches simultaneously changing a size of said one of said plurality of images and translating said one of said plurality of images from a first location on a display to a second location, different from said first location, on said display (col. 7, lines 21-50). In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007), it would have been obvious to an artisan at the time of the invention to incorporate the method of Johnston with the method of the modified Daily in order to provide users with a visual feedback.

As per claim 45, the modified Daily teaches a method for interfacing with a plurality of images comprising animating said translation of said one of said plurality of images from said first location to said second location (Johnston: col. 7, lines 21-50).

Claims 49 and 54 are individually similar in scope to claim 44 and are therefore rejected under similar rationale.

Claims 50 and 55 are individually similar in scope to claim 45 and are therefore rejected under similar rationale.

Response to Arguments

6. Applicant's arguments with respect to claim 15-19, 23-28, 32-37 and 41-56 have been considered but are moot in view of the new ground(s) of rejection.

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached at (571) 272-7767.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
August 2, 2009

/DENNIS-DOON CHOW/

Supervisory Patent Examiner, Art Unit 2174